

d) REMARKS

The claims are 5-14, 17 and 20-28 with claims 5, 17, 20 and 23-28 being independent. Claims 5, 17 and 20 have been amended to better define the intended invention. Claims 10 and 23 were amended to correct informalities. Claims 23, 25 and 27 were amended to include the subject matter of claim 8. Reconsideration of the claims is expressly requested.

The status of the parent application has been updated, as requested. Informalities in claims 10 and 23 have been corrected. Claims 23, 25 and 27 were amended to comply with Rule 112, first paragraph, as requested.

Claims 8 and 10-14 were deemed allowable if in independent form. The subject matter of claim 8 was added to claims 23, 25 and 27, and, accordingly, these claims are now in allowable form. No objection or art rejection was advanced for claims 24, 26 and 28 and accordingly, it is believed these claims are in allowable form.

Claims 5-7, 9 and 20 were rejected as obvious over JP '771, Fleischer and Borsenberger. Claims 17, 21 and 22 were rejected as obvious over the same combination of references and further in view of Tanaka '811. The grounds of rejection are respectfully traversed.

With regard to independent claims 5, 17 and 20 and the claims dependent on them, the invention therein can provide an electrophotographic photosensitive member having a high sensitivity in a wavelength region of 380 - 500 nm by employing the unique characteristics of the present invention.

On the other hand, the invention described in JP05-275771 (JP '771) relates to a porphyrin thin film having not more than 100Å of square average roughness in a surface. The technical advantages said to be achieved are that surface accuracy is superior

and when the thin film is used by adhering between a pair of electrodes, any short-circuiting is reduced. Further, the invention of JP '771 is said to be useful in a solar cell, photoconductive element and the like.

Borsenberger discloses an electrophotographic photosensitive member having a photosensitive layer (charge generation layer) containing a binder resin and a pigment (as a charge-generating material). Fleischer merely discloses a 5, 10, 15, 20-tetrapyrrolyl-21H, 23H-porphyrin compound having a crystal form characterized by a Bragg angle (2θ) in a range of 20.0 ± 1.0 deg. in a $\text{CuK}\alpha$ -characteristic X-ray diffraction pattern.

In the photosensitive layer of the present invention a binder resin is employed with a porphyrin compound. In contrast, in thin film of JP '771 the porphyrin is present without any binder. Further, while JP '771 discloses that surface accuracy is excellent and production of short-circuits are reduced, it fails to teach that an electrophotographic photosensitive member having high sensitivity in a wavelength region of 380 - 500 nm can be provided by employing the specific porphyrin compound as a charge-generating material. JP '771 does not teach that its specific porphyrin compound can be employed as a charge-generating material for an electrophotographic photosensitive member. The same applies to Fleischer.

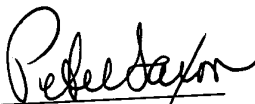
The fact that the instant porphyrin compound has excellent properties as a photoconductive material and can be successfully used in electrophotographic photosensitive members was discovered by the present inventors. JP '771 and Fleischer lack this teaching. It is simply not true that materials capable of use in a solar cell or a sensor can be predicted to be used successfully in a practical electrophotographic photosensitive member. Solar cells and sensors are different from electrophotographic photosensitive member in that they do not require the ability to form a viable electrostatic

image. Solar cells and sensors need only convert available light to current. In an electrophotographic member, however, the photosensitive element must be charged, discharged, exposed, transferred, cleaned and blanket exposed to discharge and must leave minimal excess residual charge.

Further, even though a porphyrin compound having a specific crystalline form is disclosed in Fleischer, it cannot be implied that the porphyrin compound used in the porphyrin thin film of JP '771 has Fleischer's specific crystalline form. Crystalline form varies according to the particular synthesis employed. The crystalline form of the porphyrin compound in JP '771 cannot be determined based on the meager disclosure of JP '771. Therefore, the claims should be allowed and the case passed to issue.

Applicant's attorney of record may be reached in our New York office by telephone at (212) 218-2100. All correspondence should be directed to our below-listed address.

Respectfully submitted,


Attorney for Applicant

Registration No. 24997

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200